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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,145	04/01/2004	Steven Charles Mathews	6879/71806	9011

7590 09/11/2006

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EXAMINER

NGUYEN, HUONG Q

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,145	Applicant(s) MATHEWS, STEVEN CHARLES	
	Examiner Helen Nguyen	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the amendment filed on 6/26/2006. Claim 8 has been amended. Claim 19 has been added. Claims 1-7 and 14-18 have been cancelled. **Claims 8-13 and 19** remain pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 8-13** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, **Claim 8** introduces resetting the control unit manually when the specification does not disclose resetting the control unit by any specific means, thus constituting new matter. Claims 9-13 are rejected as being dependent upon rejected Claim 8.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. **Claims 8 and 10-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al (US Pat No. 6030351) in view of Hattes (US Pat No. 3911899).

6. In regards to **Claim 8**, Schmidt et al disclose a method for monitoring a length of time that a person has been immobile, comprising:

resetting a control unit, referred to as "microcontroller" (200) (Col.6, line 22-25), which is done inherently prior to the start of the system, and also evidenced by the disclosure of resetting the system once certain criteria have been met (Col.10, line 22-24);

detecting whether a pressure sensor (10) is activated (Col.9, line 57-60);

setting a first timer to a predetermined first time period, referred to as "maximum pressure duration" (Col.9, line 13-16);

activating a warning signal or "relief alert" in the form of a "buzzer" (208) or vibrator (40) if the pressure sensor remains activated during the entire first time period (Col.9, line 60-64).

However, Schmidt et al do not disclose allowing a user to manually reset the control unit. Hattes discloses an alarm device allowing manual resetting to ensure that proper action is taken (Col.3, line 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow manual resetting of the control unit by a user, wherein a user is not necessarily the patient being monitored, to ensure that proper action is taken before system reset occurs.

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7. In regards to **Claim 10**, Schmidt et al disclose the method is implemented on a stand alone device, a mobile phone, a personal digital assistant, or on a laptop or desktop computer, in the instant case, implemented on a personal computer (Col.4, line 66-67). It is also noted that said control unit (200) is inherently found in stand alone devices, mobile phones, laptops and desktop computers.

8. In regards to **Claim 11**, Schmidt et al disclose setting a second timer to a second predetermined time period, referred to as "duration of pressure relief," when the pressure sensor (10) is deactivated or the patient initiates "pressure relief" (Col.9, line 64-67).

9. In regards to **Claim 12**, Schmidt et al disclose the first timer corresponding to "pressure position" or "maximum pressure duration" is reset if the pressure sensor is deactivated for a period of time greater than or equal to the second predetermined time period or "pressure relief duration" (Col.10, line 1-4, 24-27).

10. In regards to **Claim 13**, Schmidt et al disclose resetting the first timer corresponding to "maximum pressure duration" if the pressure sensor is deactivated before the second time period or "pressure relief duration" elapses, wherein the first timer is reset if a "relief continue prompt" is issued, wherein said relief continue prompt is only issued if the minimum pressure relief duration is not met (Col.10, line 5-7, 12-14).

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11. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al in view of Hattes, further in view of Katz (US Pat No. 5643331). Schmidt et al in combination with Hattes disclose a method of monitoring the length of time a person has been immobile but do not explicitly disclose said method used to prevent deep vein thrombosis. Katz discloses that “the main cause of DVT is venous stasis, i.e., the lack of effective venous blood flow from the calves due to extended periods of immobilization” (Col.1, line 29-31). From this, it would logically flow that to preclude such immobilization would be an effective method to prevent deep vein thrombosis. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the time monitoring method of Schmidt et al to prevent deep vein thrombosis, as taught by Katz, because such method targets the main cause of DVT and thus would be highly effective.

12. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al in view of Katz. Schmidt et al disclose a method of using a device for sensing pressure caused by the subject remaining immobile, timing how long the subject remains immobile, and warning the subject that it is time to stand up (Col.9, line 65) when the subject has been immobile longer than a length of time. However, Schmidt et al do not disclose said method used for preventing deep vein thrombosis. Katz discloses that “the main cause of DVT is venous stasis, i.e., the lack of effective venous blood flow from the calves due to extended periods of immobilization” (Col.1, line 29-31). From this, it would logically flow that to preclude such immobilization would be an effective method to prevent deep vein thrombosis. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of monitoring

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the length of time of immobility of Schmidt et al to prevent deep vein thrombosis by, as taught by Katz, because such method targets the main cause of DVT and thus would be highly effective.

Response to Arguments

13. Applicant's arguments with respect to **Claims 8-13 and 19** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen Nguyen whose telephone number is 571-272-8340. The examiner can normally be reached on Monday - Friday, 8 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HQN
9/1/2006



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